

CAPTION

United States District Court  
Northern District Of New York

Elbert Welch, #00B1648,

Plaintiff,

vs

Civil Rights  
Complaint

Donald Selsky, Director, SHU/Inmate Discipline; Glenn Goord, Commissioner; Dale Artus, Supt Clinton Annex; Correctional Facility; Captain Brown, Clinton C.F.; T. Charland, C.O.; R. Lincoln, C.O.; Hearing Officer Eggleston, Clinton Correctional Facility Annex;

Eliot Spitzer, New York State Attorney General;

Justin Taylor, Superintendent; Correctional Counselor Logan; Captain Coryer; Corr. Officer T.M. Stone; C.G. Sorrell, Gouverneur Correctional Facility;

Superintendent Graham; Deputy Superintendent Bellnier; Lt. Quimette; Deputy Superintendent Rourke; Auburn Correctional Facility;

TV Corporations: ESPN Corporation, Chris Berman, Steven A. Smith, Scott Stewart; et al.

NBC Corporation, Al Roker, Katie Couric, Matt Laurer, Lester Holt, Oprah Winfrey, et al.

WPIX/WB11 Corporations, Linda Church, Craig Treadway, Joe Cioffi, Joel Osteen, John Muller, Kaity Tong, et al.

TNT Corporation, Charles Barkley, Magic Johnson, NBA Commissioner Dan; et al.,

TBS Corporation, Bill Cosby

BET Corporation, Deborah Lee, Joel Osteen; et al.

Donald Trump Corporation; The Apprentice Show, et al.

Regis Philbin Corporation, Regis Philbin, et al.

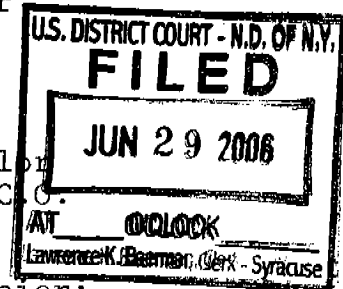
David Letterman Corporation, David Letterman, et al.

Jeopardy Show Host, et al.

Public Broadcasting Station, Channel 10 Corporation, Mountain Lake, Scott Houston, Lara Spencer, Peter Robinson, Consuala Mack, et al.,

WCAX Corporation, Channel 3, Marcelus Parsons, J.J. Cioffi, Judith Simpson, Stuart Martin, et al.,

CNN Corporation, Daren Kagan, et al.



CBC Corporation, Paul Martin, Don Cherry, Rick Mercer,  
Dennis Trudeau, Mary Walsh, et al.,

ABC Corporation, Sam Donaldson, Charlie Gibson, Dr. Phil, .  
Diane Sawyer, Bill Weir, et al.

CBS Corporation, Gretchen Carlsen, Russ Mitchell, Ira  
Joe Fisher, Dick Enberg, Bob Shaffer, et al.,

FOX 44, FOX 42, Terry Bradshaw, Ron Jorworski, et al.

MEET THE PRESS, Tim Russert, et al.,

THE STATE OF NEW YORK

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Defendants

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Plaintiff in the above entitled and captioned action, alleges  
as follows:

JURISDICTION

1. This is a civil action seeking relief and damages to defend  
and protect the rights guaranteed by the United States Constitution.  
This action is brought pursuant to 242 USC Sections 1983, 1985, 1986.  
This Court has jurisdiction over this action pursuant to 28 USC  
1331, 1343, and 2201. This court's pendent jurisdiction is invoked.

2. Plaintiff's name and current address are: Elbert Welch,  
#00B1648, Auburn Correctional Facility, 135 State Street, P.O.  
Box 618, Auburn, New York 13024.

3. The names and addresses and official positions of the  
defendants are on the annexed attachment.

Statement Of Facts

1. I am currently housed in a doublebunk cell at Auburn C.F., E block, 8 company, 2 cell, bottom bunk. I have been housed here since May 18, 2006, some thirty days after my arrival at Auburn C.F.

2. Auburn C.F., as well as all named defendants herein, are fully aware that I am a federal witness who is also a crime victim that has been subject to many acts of conspiracy, attempts at provocation as part of the conspiracy, and other civil rights violations and attempts to injure and kill me as well as to defraud the federal government.

3. The defendants have forced me to house in doublebunk celling as part of the continued conspiracy to provoke me to disciplinary action, fights, etc., while they sit by watching and monitoring my situation and waiting to take action against me while pursuing the goals of this conspiracy. I have had numerous heated arguments while doublebunked at Auburn C.F. which were all deliberately provoked by the defendants' deliberate actions of placing me in doublebunk celling over my objections and complaints to them that I am a federal witness and victim of continued acts of conspiracy.

4. All named defendants herein are aware that there have been past and ongoing FBI investigations and that it is well documented with the FBI and U.S. Department of Justice that I am a federal witness and crime victim. The defendants by their action seek to cause my injury and death to prevent me from freely and fully testifying in court regarding this conspiracy which has been the subject of extensive FBI investigations both past and ongoing as all the defendants herein are fully aware.

5. The defendants T. Charland, C.O., R. Lincoln, C.O., Capt. Brown, Supt. Artus, Glenn Goord, Commissioner, Donald Selsky, Director SHU, are involved in the acts of conspiracy in that they authorized, sanctioned, approved, and or directly caused the writing and sustaining of known false disciplinary charges against me at Clinton C.F. which initially resulted in imposition of a six month SHU penalty by defendant Eggleston which was partially reversed and

modified to 2 months SHU by defendant Selsky on or about March 15, 2006. The initial false misbehavior charges were written by COs Charland and Lincoln, combined improperly into a Tier III by Lt. Sawyer and then sustained by defendant Eggleston all with the sanction and approval of defendants Artus, Brown, Goord, Selsky and NYS Attorney General Eliot Spitzer who was put on direct notice of this conspiracy by me as well as through the FBI, federal courts which issued an injunction in the past, and through investigations in the past into the conspiracy during the extensive federal court litigations on this matter. These defendants effected a change of my status from maximum B to maximum A thereby requiring me to house in a maximum security facility. But for this unconstitutional action my status would have been medium security due to the fact that I have less than 7 years to serve before eligible for parole release consideration in or about January 2013. Defendants knew their action would effect my change of status and intended that as a consequence.

6. While at Gouverneur C.F. serving the initially imposed SHU term I was also forced to house in doublebunking with the same conditions of repeated attempted provocations by inmate which I brought to the attention of NYS Attorney General Spitzer and the federal court in connection with my then pending civil rights lawsuit entitled WELCH V T. CHARLAND, et al., 00 CV 0061 (LEK)(DEP). I was housed in doublebunking from February 2006 to April 17, 2006, when I was transferred to Auburn C.F. Defendants Supt. Justin Taylor, Corr. Counselor Logan, Capt. **Coryer** and others at Gouverneur C.F. all authorized approved and sanctioned the doublebunking and attempted provocation some of which were in the nature of homosexual advances, attempts to provoke me into physical fights, etc., all of which were unsuccessful.

7. While at Auburn C.F. on the initial date of my doublebunking on May 18, 2006, I informed the block officers defendants COs Hia, Sgt. Fasce, and others that I had legal reasons against being doublebunked. I was told that I would be put in the "box" (SHU) if I refused. Under this force, I complied.

8. Since being in this doublebunk cell, I have written complaints to Supt. Graham, Dep. Supt. Bellnier, Lt. Quimette (whom I am informed was in charge of doublebunk celling), Dep. Supt. Rourke. All defendants aforementioned refused to remove me from doublebunking.

9. I have also written complaints to the FBI regarding this doublebunking.

10. In my pending civil rights complaint entitled Welch v Charland, supra, 00 CV 0061 this Court certified that my complaint was sufficient to warrant granting leave to proceed in forma pauperis even though I had garnered three strikes. This Court held that my allegations regarding a food poisoning conspiracy were sufficient to survive the three strikes rule.

11. While in this doublebunking I am forced to leave my cell for substantial periods thereby leaving my food and legal work exposed to the doublebunker at such times. Defendants well know this and intended such results.

12. I have also made medical complaints to medical staff regarding the fact that I am being forced to doublebunk with persons with apparent diseases that are apparently transmissible. Medical staff claimed they could not do anything about this.

13. The doublebunk cell is approximately 6 ft. wide, 8 ft. long, 8 ft. high, with a doublebunk bed that measures approx. 6 ft. long, 4½ ft. high, 3 ft. wide and consumes approx. half the cell space of the floor. There are also two floor lockers approx. 20 in. by 20 in, and approx. 3 ft. high., and a sink, toilet and personal property of two inmates consuming considerable space in cell.

14. The defendants are using, and have used, these conditions to place me in imminent danger of at least serious physical injury, conspiracy and life threatening situations while they pursue the goals of the conspiracy.

15. Further, while defendant Selsky reversed all charges that initially resulted in my SHU confinement and concomitant change of status, he upheld a single charge based on alleged papers with some other inmate's name which were allegedly found by defendant R. Lincoln and which, but for the initial

illegal and retaliatory acts of conspiracy set forth in Welch v Charland, supra, 00 CV 0061, would not exist since the alleged search of my cube occurred only because of the illegal and retaliatory false disciplinary charges which are the subject of the complaint in Welch v Charland, supra.

16. Some of the modi operandi and goals of the conspiracy that have existed for many years and are well known to conspirators and the FBI which has conducted extensive investigations as to the conspiracy, have been to provoke me into fights or disciplinary action with staff or conspirator inmates. The present actions of the defendants represent acts of conspiracy pursuant to such goals and modus operandi. Defendants are forcing me to doublebunk for the very purpose of making attempts to consummate the goals of the conspiracy in diverse ways and are thereby subjecting me to imminent danger of disease, poisoning, of food, etc., and potential physical fight or assault.

17. Members of the conspiracy and inmates have indicated that they are being informed by DOCS sources of my daily activities including the things I do on a daily basis inside and out of my cell.

18. Numerous Television Corporations have participated in this conspiracy by, inter alia, discussing it and the goals thereof on air on a regular basis through countless broadcasters. Such TV corporations have indicated that they are aware of the conspiracy and have also been infiltrated by FBI informants. The TV Corporation defendants all have full awareness of the conspiracy and its goals and are seeking to make it succeed by attempting to confuse, mislead and discredit the goals of the conspiracy while discussing it regularly on air.

19. The TV corporation defendants, through its numerous broadcasters, all make comments on my prison and outside family situation and the plot to harm me and family members as retaliation and part of this conspiracy.

20. The TV corporation defendants have made repeated comments likening my prison and family situation to the war in "Iraq" and have made repeated comments indicating they are being informed about my daily activities and family situation.

21. Some of the TV corporations involved in this conspiracy and the clandestine discussion of it over the air through its broadcasters on a widespread basis showing corporate action, are the following:

- A. ESPN PARTICIPANTS: Scott Stuart; Linda Cohn; Chris Berman; Merrill Hodge; Bob Ley; Robin Roberts; Trev Alberts; Mark May; Lee Corso; Woody Paige; Tom Tolbert; Steven A. Smith; Dick Vitale; Bill Walton; John Sanders; Tom Jackson; Suze Koba; John Saunders; Michael Irvin; Tony Conway; Digger Phelps; Greg Anthony; Tim Legler; Kevin Frazier; Byron Scott; Neil Everett; Fred Hickman; Steve Bertham; Mark Schlereth; Mike Didka; Dan Patrick; John Kruk (AND MANY OTHER UNNAMED PARTICIPANTS ALL ACTING JOINTLY AND CONTINUOUSLY FROM 2003 TO 2006 AND AT OTHER TIMES AND DATES)
- B. NBC CORPORATION PARTICIPANTS: Katie Couric; Matt Laurer; Ann Curry; Al Roker; Campbell Brown; Janice Huff; Lester Holt; Stone Philips; Hoda Kopf; Lisa Ling; Steadman Graham; Maria Shriver; Oprah Winfrey; Andrea Mitchell; James Earl Jones (commercial); WPTZ TV; Rick Kasonic; Tom Messner; Thom Hallock; Paul Sands; Rachel Rubble; Gibb Brown; Gus Rosendale; Bob Vila (Home Improvement); Mark Sudo; Donald Trump (commercials); Chris Matthews Show (AND MANY OTHER UNNAMED PARTICIPANTS ALL ACTING JOINTLY AND CONTINUOUSLY FROM 2003 TO 2006 AND AT OTHER TIMES AND DATES)
- C. WPIX AND WBLI CORPORATION PARTICIPANTS: Linda Church; Emily Francis; Lynn White; Marysol Castro; Sukanya Krishnan; Kaity Tong; Tiffinay McElroy; Deborah Kostrown; Joe Cioffi; John Muller; Craig Treadway; Mr. G; Sal M.; Jerry Springer; Joel Osteen; James Earl Jones (commercial); Judge Mathis Show (AND MANY OTHER UNNAMED PARTICIPANTS ALL ACTING JOINTLY AND CONTINUOUSLY FROM 2003 TO 2006 AND AT OTHER TIMES AND DATES)
- D. TNT CORPORATION PARTICIPANTS: Charles Barley; Kenny Smith; Magic Johnson; NBA Commissioner Dan (AND MANY OTHERS ALL ACTING JOINTLY AND CONTINUOUSLY FROM 2003 TO 2006 AND AT OTHER TIMES AND DATES)



- E. TBS CORPORATION AND CHANNEL 8: Bill Cosby And Cosby Show On 2/19/04 AND OTHER **DATES** AND **TIMES** FROM 2003 TO 2006
- F. SHARON OSBOURNE SHOW: Sharon Osbourne And Sharon Osbourne Show On Numerous Dates **And** Times From 2003 To **2005**
- G. JEOPARDY SHOW: Jeopardy Show Host On Numerous Dates And Times From 2003 To 2006.
- H. SURREAL SHOW: Tammy Baker, Eric Estrada, Ron Jeremy, Mr. Lopez On WBll Channel 13 During Period Between 2003 And 2005.
- I. BET CORPORATION: Deborah Lee (CEO); Joel Osteen; T.D. Jakes; Creflo Dollar; Mike Murdock; Free; A.J.; Big Tigger; Julisa And Many Others From 2003 To 2006.
- J. THE **APPRENTICE** SHOW AND DONALD TRUMP: Donald Trump And Others On Apprentice Show During Period Between 2003 To 2006.
- K. **REGIS** PHILBIN SHOW: Regis Philbin And Kelly Ripa During Period From 2003 To 2006.
- L. DAVID LETTERMAN SHOW: David Letterman On Numerous Dates And Times From 2003 To 2006.
- M. CHANNEL 10, PUBLIC BROADCASTING STATION, MOUNTAIN LAKE: Lara Spencer, Antiques Road Show; Bill Cosby; Peter Robinson; Uncommon Knowledge ; Consuala Mack; Paul Kangus, BBC World News; America Cooking With Chris Fernemore, Nancy Polinsky; Jeanne Garofolo; Barbara Chan; T.J. Labinski; **Patti** LaBelle; Scott Houston, Piano Player; Charlie Rose; Wall Street/Fortun, Ms. Gibbs, Louis Rukyser On Numerous Dates **And** Times From 2003 To 2006
- N. WCAX, CHANNEL 3 TV CORPORATION: Stuart Martin, Founder/**President**; Marcelus Parsons, You Can Quote Me Show; Sara Congi; Sharon Meyers; J.J. Cioffi; Gary Sadowski; Judy Simpson; The View Show And Joy, Merideth Viera, Star Jones; Rosie **O'Donnell**; Ellen Degeneris; Early Show With Renee And Other Hosts Of Show; Dr. Phil; Across The Fence With Tony; Allstate Insurance Commercials With Black Advertiser Male (name unknown) On Numerous Dates And Times From 2003 To 2006.
- O. CNN CORPORATION: Channel 9 Newscasters including Daren Kagan And Many Others From 2003 To 2006.
- P. CBC CHANNEL 6 CORPORATION: Paulk Martin, Governor General; Mary Walsh Show; Donna Vasco; Peter Mansburg; Don Cherry; Dennis Trudeau; David Mitchell; Line Mahue; Ricke Mercer And Many Others From 2003 To 2006



- Q. ABC CORPORATION: Sam Donaldson; Charlie Gibson; Diane Sawyer; Robin Roberts; Bill Weir; Marysol Castro; Lara Spencer; Ms. Snow; Peter Jennings; Good Morning America Show; Gary Thorn, Bill Clement; Jane Pauley; John Davidson; Dr. Phil Show; Dr. Phil; Tennis Commentators for Bob Hope Chrysler Classic; All State Insurance Company Spokesperson (Black Male); Commentators Mike Farika; Billy Ray; Steve Cutler; Oz; Meg Mallon; Dan Hicks; John Miller (And Many Others Unnamed From 2003 To 2006)
- R. CBS CHANNEL 2 CORPORATION: Early Show And Hosts; Gretchen Carlsen; Russ Mitchell; Tra Joe Fisher; Renee; Bob Shaffer; Face The Nation Show; Dick Enberg; Matt Goukas; Tony Danza; Tony Danza Show (And Many Others Unnamed From 2003 To 2006)
- S. FOX 44 AND FOX 42 CORPORATIONS: Terry Bradshaw; Jimmy Johnson; Ron Joworski; Judge Joe Brown; Family Feud Show And Hosts
- T. MEET THE PRESS SHOW: Tim Russert (And Many Others From 2003 To 2006)

22. The above is in no manner intended to specify all names and all circumstances involved in the conspiracy asserted because such would be impracticable and prohibited under Fed. Rule Civ. Proc. 8 which requires a short and plain statement of the claims and facts relied on in support.

23. Further, I intend to add additional parties by name after obtaining an opportunity for discovery pursuant to Fed.R.Civ. Proc. 26-37.

24. The said conspiracy is well documented with FBI and U.S. Department of Justice sources which have deployed informants and undercover agents during investigations. All of the above TV Corporation participants during the regular discussions of said conspiracy display awareness of the FBI investigations, the conspiracy to harm me and my family members, as well as the plot to attempt to exonerate some conspirators from liability. In furtherance of this plot, it has and continues to be a plot to cover up the motives of the would-be killers by attributing their acts to some external motives such as fights, my misconduct, etc., all of which

have thusfar been unsuccessful.

25. To further the goals of the conspiracy, C.C. T.M. Stone, Supt. Justin Taylor and others at Gouverneur C.F. deliberately retaliated against me after learning that I had obtained an administrative modification of my Six month SHU tern to Two months by deliberately withholding or causing to be withheld or stolen items of my personal property in anticipation and with intention that I would be injured or killed. On arrival at Auburn C.F. I learned that all of my personal clothing items, two pair of beard trimmers, 23 packs of newport cigarettes used by me to trade for food (I am a non-smoker), as well as legal papers and other items of property were not inside my property bags. I filed an administrative claim during which Auburn C.F. officials claim the property was lost during a transfer and offered a \$90 settlement which I have rejected.

26. While at Gouverneur C.F. C.O. Sorrell in fact threatened retaliation against me and asked me to make a deal not to file complaints while stating that I would be "going home" from the Gouverneur C.F. SHU expressing some knowledge of my pending 28 USC 2254 habeas corpus challenges to my conviction and imprisonment which are pending in Western District of New York entitled Welch v Artus, 03CV865; and Welch v Artus, 04CV205. When I obtained the administrative reversal aforementioned, Gouverneur C.F. officials retaliated against me and carried out this threat.

27. Since being at Auburn C.F. numerous efforts have been made to cause me to again be put in disciplinary keeplock or SHU which have thusfar been unsuccessful.

28. Further, during the period from 2003 to 2005 prior to his passing away, Peter Jennings made several televised broadcasts wherein he suggested a kidnapping/murder conspiracy against me and that plane flights had been cancelled.

29. During the same period from 2003 to 2005 Bill Cosby made televised comments on the Oprah Winfrey Show referring to me as the man with "power of the pen" and stating that I did not "show up" and stating that I was fighting people with "weapons".

30. Many, if not all, of the participants in the TV broadcastings are aware that FBI monitoring and surveillances are being conducted and that massive FBI investigations have occurred and are occurring. According to my understanding from the numerous televised statements, conduct and acts of the TV personalities, as well as the declarations and acts of inmates and DOCS employees and communications I have had with federal officials through freedom of information law requests and otherwise, there have been massive FBI investigations of this conspiracy and it is well documented and confirmed by and with the FBI and U.S. Department of Justice.

31. Further, according to my understanding and belief from viewing televised declarations and acts of the TV personalities and other statements and acts of participants in the conspiracy, some of the corporations involved in the conspiracy have made offers or representations as to offers to monetarily settle out of court as to their involvement in said conspiracy. As of this date, such offers or representations have not been disclosed to me by FBI or U.S. Department of Justice officials but are believed to be in their possession or within their knowledge.

32. The repeated attempts to cause me serious physical injury and death evince at least an imminent danger of serious physical injury to me in diverse ways by conspirators which I submit is sufficient to warrant allowing this action to proceed in forma pauperis even though I have previously garnered three strikes under the three strikes rule of 28 USC 1915(g).

Claims

33. Adopting all allegations set forth under paragraphs 1-32 supra, I make the following claims.

34. The improper and unconstitutional use of doublebunk celling to cause me physical harm or death deprives me of 8th and 14th Amend. rights. U.S. Const., Amends. 8 & 14.

35. The acts of retaliation against me and refusing to reverse the prison disciplinary determination derived from retaliatory action deprives me of 1st and 14th Amend. rights. U.S. Const., Amends. 1, 14.

36. Defendants conspired to deter me by force, intimidation, threats and attempted murder, from freely and fully testifying in federal court or to injure me and my family members on account of my federal court litigation. 42 USC 1985 (2)(first part).

37. Defendants conspired to deny me equal protection of the laws and to injure me and my family members on account of my status as a federal witness and crime victim. 42 USC 1985(2)(first part).

38. Defendants conspired to deny me equal rights and equal protection of the laws based in part on my status as a federal witness and involvement with the federal government and in part on racial invidious discriminatory animus in that I am a black American and the majority of the conspirators are white actors.

42 USC 1985(3)

39. Defendants deprived me of rights secured under the 14th Amend. to the U.S. Constitution. U.S.Const.,Amend. 14; 42 USC 1983.

40.Defendants deprived me of property as retaliation and to further the goals of a conspiracy to violate my civil rights. U.S.Const.,Amend. 14; 42 USC 1983.

41.Defendants conspired to prevent me from recovering the multiple millions of dollars recoverable from this longtime conspiracy. U.S.Const.,Amends. 1,14; 42 USC 1983.

42. Defendants, having a duty and the power to prevent a known conspiracy to violate my civil rights, failed to do so. U.S.Const., Amends. 1,8,14; 42 USC 1986

43. This paragraph states a claim against the state of New York for the intentional torts of its agents and employees as cognizable under New York State Court of Claims Acts 10 & 11 and this Court's powers to exercise pendent jurisdiction over such state law claims.

Relief Requested:

- 1) Grant in forma pauperis relief allowing this complaint to forward even though I have previously garnered three strikes since the repeated attempts to cause me serious physical injury and to kill me by conspirators demonstrates imminent danger of at least serious physical injury. 28 USC 1915(g)
- 2) Grant injunctive relief against continued acts of conspiracy and improper disciplinary acts and cell confinement by defendants and DOCS officials.
- 3) Invoke jurisdiction untill conspiracy ceases and desists.
- 4) Invoke pendent jurisdiction over state of New York for state law claim resolution.
- 5) Grant one billion dollars compensatory damages and one billion dollars punitive damages against each corporate defendant individually; or twenty billion dollars compensatory and twenty billion dollars punitive damages against all corporate defendants joint and severally.(including the State of New York)
- 6) Grant ten million dollars compensatory damages and ten million dollars punitive damages against each DOCS employee in his/her individual capacity.
- 7) If physical injury or death occurs criminally prosecute all conspirators and seek most severe penalty including death penalty if available and appropriate.
- 8) Grant such other and further just and proper relief.

9) A Jury Trial Is Demanded.

10) Allow me to file an amended or supplemental complaint to add other defendants once their names and identities are discovered via discovery or other means.

11) Grant TRO and permanent injunctive relief against DOCS officials forcing me to house in doublebunking cells, including, but not limited to, Auburn C.F. and other NYS DOCS facilities.

I declare under penalty of perjury that the foregoing is true and correct. Signed this 26 day of June, 2006.

Signature of Plaintiff:

Elbert Welch  
Elbert Welch #00B1648  
Auburn Correctional Facility  
135 State Street  
P.O. Box 618  
Auburn, New York 13024

I declare under penalty of perjury that on this 26 day of June, 2006, I will deliver this complaint to prison authorities to be mailed to the Prop Se Office of the United States District Court, Northern District of New York, Federal Building, 100 South Clinton Street, Syracuse, New York 13261 -7367